

August 21, 2013
NC Division of Waste Management
Brownfields Program
1646 Mail Service Center
Raleigh, NC, 27699-1646



Re:Project # 01006-97-60
Brownfields Property : Hamilton Property, 216 Dunavant Street
Developer: Rush Family, LLC

Dear Mr. Peacock,

I am enclosing our Land Use Restrictions Update and apologize for the delay in getting it to you. My confusion stemmed from the fact that in November , 2008 you contacted me and sent the new LUR form and I mistakenly thought when I sent that in the date for our annual submittal would be November.

Be assured I will do it before April from now on. Would you please change the mailing address for Rush Family, LLC to 720 Bromley Rd., Charlotte, NC, 28207.

Thank you for your help

Sincerely,

A handwritten signature in black ink, appearing to read "Karen R. Rush".

Karen R. Rush, Mgr
Rush Family, LLC NEW MAILING ADDRESS
720 Bromley Rd.
Charlotte, NC, 28207

Brownfields Project #: 01006-97-60
Brownfields Property: Hamilton Property, 216 Dunavant St.
Prospective Developer: Rush Family, LLC

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No water supply wells may be installed or used at the Property.

In compliance Out of compliance

Remarks: _____

LUR 2: No mining activities may be conducted on the Property.

In compliance Out of compliance

Remarks: _____

LUR 3: No activities which result in direct exposure to or removal of groundwater (for example, construction or excavation activities which encounter or expose groundwater) may be conducted on the Property without prior sampling and analysis of groundwater in the area where activities are to be conducted, provision of the analytical results to the Department of Environment and Natural Resources ("DENR") or its successor in function along with plans and procedures to protect public health and the environment during those activities, and approval of those activities by DENR.

In compliance Out of compliance

Remarks: _____

LUR 4: Without the approval of DENR, the Property shall not be used for childcare facilities, playground facilities, and/or organized ground contact sporting activities of any kind, including, but not limited to golf, football, soccer, and baseball.

In compliance Out of compliance

Remarks: _____

LUR 5: No fountains, ponds, lakes, or other items which are supplied, in whole or in part, by groundwater may be constructed on the property.

In compliance Out of compliance

Remarks: _____

LUR 6: No Chlorinated solvents may be warehoused at the Property.

In compliance Out of compliance

Remarks: _____

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that this Notice remains recorded at the Mecklenburg County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by _____, Mg+
owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Karen R. Rush

[use for LLCs]

[Name of Prospective Developer]

By: Rush Family, LLC
Name typed or printed:

Member/Manager

NORTH CAROLINA

Mecklenburg COUNTY

I, Kathy McCall Magee, a Notary Public of the county and state aforesaid, certify that Coren R J RUSH personally came before me this day and acknowledged that he/she is a Member of RUSH FAMILY, LLC, a [state of incorporation] limited liability company, and its Manager, and that by authority duly given and as the act of the company, the foregoing Notice of Brownfields Property was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this 21 day of August, 2013.

Kathy McCall Magee
Name typed or printed: Kathy McCall Magee
Notary Public

My Commission expires: 10-30-16

[Stamp/Seal]

KATHY MCCALL MAGEE
NOTARY PUBLIC
MECKLENBURG COUNTY, NC
MY COMM EXP OCT 30, 2016